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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/015,548

12/11/2001

Robert Crites

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EXAMINER

LAstra, DANIEL

ART UNIT

PAPER NUMBER

3688

NOTIFICATION DATE

DELIVERY MODE

03/11/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/015,548	<b>Applicant(s)</b> CRITES, ROBERT	
	<b>Examiner</b> DANIEL LASTRA	<b>Art Unit</b> 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/05/2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-31 have been examined. Application 10/015,548 (METHOD FOR CONTACT STREAM OPTIMIZATION) has a filing date 12/11/2001

### **Response to Amendment**

2. In response to Non Final rejection filed 06/06/2008, the Applicant filed an amendment on 12/05/2008, which amended claims 1, 4-7, 11, 13, 15, 16, 19, 20, 27, 28 and added new claim 31.

### **Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Kepecs (US 2001/0032128)

Claim 1, Kepecs teaches:

A computer-implemented method of determining a prioritized listing of offers for use to contact potential customers, the method comprises:

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generating in a computer an ordered listing of offers from a set of offers, by which to contact a potential customer from a group of potential customers by considering the potential customer independently from others of the potential customers in the group, during generating of the ordered listing of offers for the potential customer (see paragraphs 12, 66)

*operating on a merged list of offers based upon a budget for contacting the potential customers, with the merged list of offers including offers in the ordered listing of offers for the potential customers in the group of potential customers (see paragraph 34, 66, 93, 94).*

Claim 2, Kepecs teaches:

eliminating offers that are mutually exclusive from the ordered listing of offers (see paragraphs 87).

Claim 3, Kepecs teaches:

wherein the ordered listing of offers is prioritized based on highest expected profit (see paragraph 12).

Claim 4, Kepecs teaches:

wherein generating comprises: operating on the set of offers for each member of the group of potential customers (see paragraph 12).

Claim 5, Kepecs teaches:

producing an alternative ordered listing of offers having N offers *if a number of offers exceeds a number N of offers allocated for a potential customer* (see paragraph 69).

Claim 6, Kepecs teaches:

wherein generating the ordered listing of offers is performed independently for each potential customer in the group of potential customers to produce a list for each potential customer (see paragraph 66).

Claims 7, 20 and 28, Kepecs teaches:

A computer-implemented method of determining a prioritized number of offers to contact customers from a group of customers, the method comprising:

determining in a computer an ordered set of offers to be sent to a customer (see paragraph 66),

*operating on a merged list of offers based upon a budget for contacting the potential customers, with the merged list of offers including offers in the ordered listing of offers for the potential customers in the group of potential customers (see paragraph 93-94).*

and for a customer, eliminating any offers that are not applicable to the customer based on eligibility rules for the offer or offers for which an expected profit for the customer is below a threshold amount (see paragraph 69); and

ordering remaining offers by expected profit (see paragraph 69).

Claims 8 and 21, Kepecs teaches:

producing a proposed solution having an ordered listing of N offers where N is the lesser of the total remaining offers and the maximum number of offers allowed for the customer (see paragraph 69).

Claims 9, 22 and 29, Kepecs teaches:

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wherein the proposed solution is represented as a bit string of a length that is equal to the total of the remaining offers (see paragraph 69).

Claims 10, 23 and 30, Kepecs teaches:

The method of claim 9 wherein the proposed solution is checked against rules of the form (M,S) meaning at most M offers from set S can be sent to a customer (see paragraphs 68-69).

Claims 11 and 24, Kepecs teaches:

wherein if an (M,S) rule is violated, a list of new alternative proposed solutions is generated by: determining a number of bits  $T > M$  from the set S that indicate offers should be sent in the proposed solution; generating new alternative proposed solutions each proposed solution containing new alternative offers, wherein each new alternative offers is represented in a bit string by setting T-M number of bits that are not a part of the set S, and which immediately follow a rightmost one bit R1 in the proposed solution (see paragraphs 68-69).

Claims 12 and 25, Kepecs teaches:

generating alternative proposed solutions based on all combinations of the T one bits up to R1 and any zero bits in set S between R1 and R2 containing M one bits (see paragraphs 68-69).

Claims 13 and 26, Kepecs teaches:

wherein a new alternative proposed solution is merged with any preceding list of proposed solutions (see paragraphs 68-69).

Claim 14, Kepecs teaches:

wherein the list of proposed solutions is checked in decreasing order of profitability (see paragraphs 68-69).

Claims 15 and 27, Kepecs teaches:

sorting the merged list of offers by return on investment and truncating the bottom of the merged list of offers (see paragraphs 93-94).

Claim 16, Kepecs teaches:

flagging customers who are truncated for an offer (see paragraphs 68-69); and rerunning flagged customers after removing exhausted offers and offers that the flagged customers were already approved for, while lowering their max number of allowed offers (see paragraphs 68-69).

Claim 17, Kepecs teaches:

wherein truncating occurs at a boundary defined by a constraint on the method (see paragraphs 68-69).

Claim 18, Kepecs teaches:

wherein truncating is selectable by the user (see paragraphs 68-69).

Claim 19, Kepecs teaches:

wherein truncating occurs based on individual variance of profit from a customer with customers having low variance being truncated for certain offers before customers having high variance (see paragraphs 68-69).

Claim 31, Kepecs teaches:

sorting the merged list of offers by return on investment and truncating the bottom of the merged list of offers (see paragraph 95).

### **Response to Arguments**

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James W. Myhre can be reached on (571)272-6722. The official Fax number is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/  
Examiner, Art Unit 3688  
March 2, 2009